

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEANNETTE FULLER HAUSLER, et al.,	:	09 Civ. 10289 (VM)
	:	
Petitioner,	:	
	:	Related to JPM Chase/Citibank
v.	:	Turnover Proceeding
	:	
JP MORGAN CHASE BANK, N.A., et al.,	:	In Respect of a Judgment Entered
	:	in the State of Florida
Garnishee-Respondents.	:	Case No. 02-12475-CA-09

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JP MORGAN CHASE BANK, N.A., et al.,	:
	:
Garnishee-Respondents and	:
Third-Party Petitioners,	:
	:
v.	:
	:
BANCO SANTANDER S.A., et al.,	:
	:
Adverse Claimants-	:
Respondents.	:

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**ANSWER TO THIRD PARTY PETITION**

Adverse Claimant-Respondent Banco Santander S.A. ("Santander") submits this Answer to the Third Party Petition for Interpleader.

**RESPONSES**

1. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the first paragraph of the Third Party Petition.

2. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the second paragraph of the Third Party Petition.

3. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the third paragraph of the Third Party Petition.

4. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the fourth paragraph of the Third Party Petition.

5. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the fifth paragraph of the Third Party Petition.

6. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the sixth paragraph of the Third Party Petition.

7. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the seventh paragraph of the Third Party Petition.

8. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the eighth paragraph of the Third Party Petition.

9. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the ninth paragraph of the Third Party Petition.

10. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the tenth paragraph of the Third Party Petition.

11. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the eleventh paragraph of the Third Party Petition.

12. Santander admits the allegations contained in the twelfth paragraph of the Third Party Petition.

13. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the thirteenth paragraph of the Third Party Petition.

14. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the fourteenth paragraph of the Third Party Petition.

15. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the fifteenth paragraph of the Third Party Petition.

16. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the sixteenth paragraph of the Third Party Petition.

17. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the seventeenth paragraph of the Third Party Petition.

18. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the eighteenth paragraph of the Third Party Petition.

19. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the nineteenth paragraph of the Third Party Petition.

20. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the twentieth paragraph of the Third Party Petition.

21. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the twenty-first paragraph of the Third Party Petition.

22. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the twenty-second paragraph of the Third Party Petition.

23. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the twenty-third paragraph of the Third Party Petition.

24. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the twenty-fourth paragraph of the Third Party Petition.

25. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in the twenty-fifth paragraph of the Third Party Petition.

26. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraphs 26a through 26j and 26l through 26jj of the Third Party Petition. Santander admits the allegations contained in paragraph 26k of the Third Party Petition.

27. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraphs 27a through 27c of the Third Party Petition.

28. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraphs 28a through 28d of the Third Party Petition.

29. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraphs 29a through 29j of the Third Party Petition.

30. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraphs 30a and 30c through 30k of the Third Party Petition. With respect to paragraph 30b,

Santander denies that Banco Nacional de Cuba was the designated beneficiary of the wire transfer. Santander admits the remaining allegations in paragraph 30b.

31. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraph 31 of the Third Party Petition.

32. Santander admits that it has a property interest in funds identified in paragraph 30b, but lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraph 32 of the Third Party Petition.

33. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraph 33 of the Third Party Petition.

34. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraph 34 of the Third Party Petition.

35. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraph 35 of the Third Party Petition.

36. Santander lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph and therefore denies the allegations in paragraph 36 of the Third Party Petition.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Adverse Claimant/Respondent is not liable to the Plaintiff because of an accord and satisfaction.

**SECOND AFFIRMATIVE DEFENSE**

Adverse Claimant/Respondent is not liable to the Plaintiff because of subsequent separate payment.

**THIRD AFFIRMATIVE DEFENSE**

Adverse Claimant/Respondent is entitled to the funds as the originating bank for the transfer.

**FOURTH AFFIRMATIVE DEFENSE**

Adverse Claimant/Respondent is entitled to the funds because they are not the assets of the Cuban Government.

**FIFTH AFFIRMATIVE DEFENSE**

Adverse Claimant/Respondent is entitled to the funds because the transfer was the result of an error by Adverse Claimant/Respondent and should not properly have been blocked.

WHEREFORE, Adverse-Claimant/Respondent Banco Santander S.A. requests that the Court enter judgment determining:

- a. That the funds blocked at JP Morgan Chase in the name of Banco Santander S.A. are not assets of the Republic of Cuba or an instrumentality of the Republic of Cuba and thus may not be used to satisfy any judgment against the Republic of Cuba;

b. That judgment be entered in favor of Adverse-Claimant/Respondent Banco Santander S.A. directing the release of the blocked funds in the amount of \$326,227.92 plus interest currently blocked at JP Morgan Chase;

c. Awarding Adverse Claimant/Respondent Banco Santander S.A. costs and reasonable attorneys fees in defending this action, and such other and further relief as may be appropriate.

Dated: February 3, 2011

Respectfully submitted,

**HUNTON & WILLIAMS LLP**

/s/ Paulo R. Lima

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Santander, S.A.*



**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2011, I electronically filed a copy of the foregoing ANSWER TO THIRD PARTY PETITION, which will cause a copy to be served on all counsel of record via the Court's CM/ECF system. I further certify that a true copy is being served via U.S. mail on all counsel of record not registered to receive automatic notices of electronic filing.

/s/ Paulo R. Lima

Paulo R. Lima